



The determining factor in this case is Section 5.1 of the Union contract with Vaughan which provides as follows:

"The Union shall be the source of referral of applicants for employment with the Contractor. . . . The Contractor retains the right to reject any job applicant referred by the Union. . . ."

Under these circumstances, the Appeals Board finds the claimant's arrival at the job site and his having been placed to work immediately was the last act necessary to create the contract. The contract, therefore, was created in Missouri. Neumer v. Yellow Freight Systems, Inc., 220 Kan. 607, 556 P.2d 202 (1976); Smith v. McBride & Dehmer Construction Co., 216 Kan. 76, 530 P.2d 1222 (1975).

**WHEREFORE**, the Appeals Board finds that the preliminary Order by Special Administrative Law Judge William F. Morrissey dated December 12, 1995 should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February 1996.

BOARD MEMBER \_\_\_\_\_

BOARD MEMBER \_\_\_\_\_

BOARD MEMBER \_\_\_\_\_

c: Frank D. Taff, Topeka, KS  
Wade A. Dorothy, Lenexa, KS  
William F. Morrissey, Special Administrative Law Judge  
Philip S. Harness, Director